

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yasuhiro Matsunaga

Application No.: 10/735,826

Confirmation No.: 5530

Filed: December 16, 2003

Art Unit: 2618

For: **RADIO-RESOURCE MANAGEMENT
SYSTEM AND METHOD THEREOF, AND
MANAGEMENT APPARATUS, BASE
STATION AND TERMINAL TO BE
EMPLOYED FOR IT**

Examiner: T. X. Nguyen

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed April 26, 2010, Applicant hereby provisionally elects Group I, claims 1-5 and 19-26, 34-36, 57 and 60, for continued examination with traverse.

In the Restriction Requirement, the Examiner now simply concludes that the inventions of Group I and II are related as combination/subcombination, and that therefore there would be a “search and examination burden if restriction were not required.” The Examiner’s position is untenable and unsupported by any facts showing that such a conclusion is proper in this case. A simple review of the present application shows that the pending claims have already been examined in no less than six (6) separate Office Actions. Therefore, restriction at this point in prosecution is not burdensome, and all claims should be examined together.